

**Before the
Federal Communications Commission
Washington, D.C. 20554**

FCC 13M-22
09850

In the Matter of	)	EB Docket No. 11-71
)	
MARITIME COMMUNICATIONS/LAND	)	File No. EB-09-IH-1751
MOBILE, LLC	)	FRN: 0013587779
)	
Participant in Auction No. 61 and Licensee of)	
Various Authorizations in the Wireless Radio)	
Services)	
)	
Applicant for Modification of Various	)	Application File Nos.
Authorizations in the Wireless Radio Services	)	0004030479, 0004144435,
	)	0004193028, 0004193328,
	)	0004354053, 0004309872,
Applicant with ENCANA OIL AND GAS (USA),	)	0004310060, 0004314903,
INC.; DUQUESNE LIGHT COMPANY, DCP	)	0004315013, 0004430505,
MIDSTREAM, LP; JACKSON COUNTY	)	0004417199, 0004419431,
RURAL MEMBERSHIP ELECTRIC	)	0004422320, 0004422329,
COOPERATIVE; PUGET SOUND ENERGY,	)	0004507921, 0004153701,
INC.; ENBRIDGE ENERGY COMPANY,	)	0004526264, and 0004604962
INC.; INTERSTATE POWER AND LIGHT)	
COMPANY; WISCONSIN POWER AND)	
LIGHT COMPANY; DIXIE ELECTRIC)	
MEMBERSHIP CORPORATION, INC.;)	
ATLAS PIPELINE-MID CONTINENT, LLC;)	
AND SOUTHERN; CALIFORNIA REGIONAL)	
RAIL AUTHORITY)	
)	
For Commission Consent to the Assignment of)	
Various Authorizations in the Wireless Radio)	
Service)	

MEMORANDUM OPINION AND ORDER

Issued: December 19, 2013

Released: December 19, 2013

1. By *Order*, FCC 13M-19, December 2, 2013, was set as the deadline for all substantive motions regarding matters relating to Issue G.¹ On that date, the Enforcement

¹ Issue G involves determining “whether Maritime [Communications/Land Mobile, LLC] constructed or operated any of its stations at variance with sections 1.955(a) and 80.49(a) of the Commission’s rules.” *Maritime Communications/Land Mobile, LLC*, Order to Show Cause, Hearing Designation Order, and Notice of Opportunity for Hearing, EB Docket No. 11-71, 26 FCC Rcd. 6520, 6547 ¶ 62 (2011) (“Hearing Designation Order”).

Bureau (EB) and Maritime Communications/Land Mobile, LLC (Maritime) filed a Joint Motion for Summary Decision on Issue G (Joint Motion) with an accompanying Limited Joint Stipulation Concerning Issue G Licenses. On that same date, Warren Havens filed his Havens-SkyTel First Motion Under Order 13M-19 To Reject Settlement, Proceed with the Hearing. [sic] and Provide Additional Relevant Discovery (First Motion) as well as his Havens-SkyTel Additional Motions Under Order 13M-19 (Additional Motions).² On December 16, 2013, EB, Maritime, and Choctaw Telecommunications, LLC and Choctaw Holdings, LLC (collectively Choctaw) filed responses to Mr. Havens' motions. Below, the Presiding Judge rules on aspects of these filings.

Suspension of Pre-hearing Calendar

2. In their Joint Motion, EB and Maritime state that they agree on the material questions of fact related to Issue G of the Hearing Designation Order and jointly move for summary decision.³ Previously, EB, Maritime, and Havens asked the Presiding Judge to rule on “the parties' filings associated with Issue G — and to clarify the scope of the issues, if any, for hearing— before the parties commence additional pre-hearing activities [so as to] promote efficiencies for both the parties and the Presiding Judge and his staff.”⁴ In the scheduling order that followed, the Presiding Judge stated that he intended to “rule swiftly on any substantive motions once responses [were] received and considered,” but may delay the pre-hearing schedule if a specific need to do so arose.⁵ Upon reviewing the Joint Motion, the Presiding Judge finds it necessary to suspend the pre-hearing calendar so he and his staff can thoroughly evaluate the myriad of factual and legal matters presented by EB and Maritime, as well as those submitted in Mr. Havens' opposition papers and in the other parties' responses.

3. The Presiding Judge will reset the pre-hearing calendar, if necessary, after he rules on issues presented in the Joint Motion.

Timing of Havens' Filings

4. In responses to Mr. Havens' motions, EB and Maritime both argue that the Presiding Judge should strike Mr. Havens' pleadings for untimely filing.⁶ Citing the Presiding Judge's directive in *Order*, FCC 12M-55, that “[a]ll filings in this proceeding shall be due on their designated submission dates at close of business (5:30 pm EST) unless otherwise indicated,”⁷ they each assert that Mr. Havens' filings were made after 5:30 pm on the deadline date. EB notes that Mr. Havens responded to motions raised in the Joint Motion, which was

² Mr. Havens' pleadings are struck insofar as they attempt to represent the SkyTel entities. See *Order*, FCC 13M-8 at 2 (rel. May 1, 2013), *aff'd*, *Maritime Communications/Land Mobile, LLC*, Memorandum Opinion and Order, FCC 13-107 at 5 ¶ 11 (rel. August 5, 2013) (finding that the record amply supports the Presiding Judge's ruling that Mr. Havens should not be permitted to represent the SkyTel companies).

³ Joint Motion at 1-2 ¶ 1.

⁴ EB and Maritime's Joint Response to Motion to Amend Schedule at 3 ¶ 3 (filed Oct. 21, 2013).

⁵ *Order*, FCC 13M-19 at 2.

⁶ EB's Opposition to Warren Havens' Motions on Issue G at 2-3 n.4; Maritime's Response to Havens-SkyTel Motions Per Order FCC 13M-19 at 1 n.1.

⁷ *Order*, FCC 12M-55 at 2 n.2.

unavailable on ECFS until just before the 5:30 pm deadline.⁸ Maritime characterizes the situation as one in which “Havens ignored the Presiding Judge’s 5:30 PM deadline, and then exploited the violation [by] using the additional time to review and respond to a pleading that was timely filed earlier that same day.”⁹

5. The Presiding Judge agrees with the EB and Maritime. He has repeatedly warned Mr. Havens that pleadings will be struck if they are not filed on time.¹⁰ On some occasions, the Presiding Judge struck Mr. Havens’ pleadings for failure to follow filing instructions.¹¹ On other occasions, the Presiding Judge has used discretion, solely as a matter of comity, to waive the 5:30 PM deadline and accept pleadings filed later the same day or even accept pleadings filed just past midnight the following day.¹² However, Mr. Havens’ conduct in filing his most recent motions has exhausted the Presiding Judge’s patience and requires strong remedial action.¹³ As Maritime candidly argued, Mr. Havens exploited the Presiding Judge’s generous flexibility on filing deadlines when he used additional time not available to the other parties to significantly respond to pleadings to which he should not yet have had access. Now, the filing deadlines for pleadings must be strictly enforced as to Mr. Havens. Accordingly, Mr. Havens’ First Motion and Additional Motions, filed between 11:51 pm and 11:59 pm on December 2, 2013, are deemed untimely and are to be struck from consideration. However, solely to avoid future delays, the merits of certain aspects of Mr. Havens’ motions are selectively evaluated below.

Havens’ Assisting Counsel

6. In the first footnote of each motion, Mr. Havens states that his “actions in this hearing on a *pro se* basis have been informed by assisting counsel as to procedure and substance.”¹⁴ The Presiding Judge interprets this statement to mean that a qualified licensed attorney is advising and assisting Mr. Havens in developing and drafting substantive and procedural arguments. Due to prior misunderstandings concerning Mr. Havens’ representations,¹⁵ and the importance of fully disclosing the full extent of “assisting counsel’s” participation to all parties, the Presiding Judge further exercises his authority to regulate the course of this proceeding¹⁶ to require Mr. Havens’ “assisting counsel” to identify him or herself for the record. Accordingly, “assisting counsel” must file a Notice of Appearance on or before January 6, 2013. Such Notice of Appearance shall inform the Presiding Judge and other parties of the date that he or she was retained or otherwise began assisting Mr. Havens in this proceeding, as well as the jurisdiction(s) of bar admission.¹⁷

⁸ EB’s Opposition to Warren Havens’ Motions on Issue G at 2-3 n.4

⁹ Maritime’s Response to Havens-SkyTel Motions Per Order FCC 13M-19 at 1 n.1.

¹⁰ See, e.g., Order, FCC 13M-11 at 1-2 n.1.

¹¹ See, e.g., Order, FCC 13M-9 at 2 ¶ 3.

¹² See, e.g., Order, FCC 13M-11 at 1-2 n.1.

¹³ 47 C.F.R. § 1.243(f) (authorizing the Presiding Judge to “exclude from the hearing any person engaging in *contemptuous conduct*” (emphasis added)).

¹⁴ Mr. Havens’ First Motion at 1 n.1; Mr. Havens’ Additional Motions at 1 n.1 (italics added).

¹⁵ See, e.g., Order, FCC 13M-11 at 5.

¹⁶ 47 C.F.R. § 1.243(f).

¹⁷ Cf. 47 C.F.R. §§ 1.221(c)-(e).

Havens' Request for an Extension of Time

7. In his First Motion, Mr. Havens states that, if the Joint Motion “is not summarily dismissed soon,” he will need the response deadline of December 16, 2013, extended due to the complexity of a summary decision motion.¹⁸ This request is denied. The Commission’s Rules grant a party fourteen days from date of the filing of a summary decision motion within which to file an opposition or other response to that motion.¹⁹ The Joint Motion was filed on December 2, 2013, and the response deadline was set for December 16, 2013, which is exactly fourteen days. The Presiding Judge finds that the fourteen days allowed by the rule provides sufficient time for Mr. Havens, assisted by “assisting counsel,” to prepare and file an adequate response to the Joint Motion. While it is possible that EB and Maritime’s previous filings “misled” Mr. Havens to believe that they would jointly file a settlement proposal, such an expectation was a miscalculation. A party’s self-inflicted miscalculation that amounts to an incorrect guess, does not present a hardship that requires an extension. Mr. Havens has had the time allowed by the Commission Rules. Opposition or response filed by Mr. Havens beyond the December 16, 2013, deadline will not be considered.

Havens' Motion for Further Discovery

8. In his First Motion, Mr. Havens requests subpoenas for “related discovery . . . for the purpose of the ‘wrongdoing’ issue found in” footnote 66 of *Memorandum Opinion and Order*, FCC 13M-16.²⁰ He states that further fact finding is necessary “due to the concealment and other wrongdoing of Maritime, the most compelling facts of which arose recently.”²¹ Mr. Havens includes with his filing an extensive timetable, stretching back to the year 1995, that purports to summarize various acts of alleged “wrongdoing” by Maritime related to this proceeding.²² Mr. Havens’ motion is denied for several independent reasons.

9. First, to the extent that Mr. Havens intends subpoenas to be used for matters related to Issue G, the discovery period closed on March 1, 2013.²³ No further discovery is allowed under the Rules once discovery has closed. However, if previously unavailable information was discovered after March 1 that is found necessary to complete the substantive record, the Presiding Judge may allow, upon adequate showing, additional limited discovery. Mr. Havens alleges that “the most compelling facts” of wrongdoing “arose recently.” But he does not specify any facts to which he is referring, and fails to state when those undisclosed facts arose. Discovery will not be reopened upon such a meager presentation.

¹⁸ Mr. Havens’ First Motion at 3-4 n.3.

¹⁹ 47 C.F.R. § 1.251(b).

²⁰ Mr. Havens’ First Motion at 11. However, the Presiding Judge does not use that phrase anywhere in the cited footnote. In relevant part, footnote 66 provides that (1) determinations as to whether Maritime is qualified to hold Commission licenses have no bearing on the resolution of Issue G, which deals merely with the factual issues of construction and permanent discontinuance of operation, and (2) parties may present evidence regarding Maritime’s qualifications to hold licenses that are related to authorizations for which Issue G has been resolved. *Memorandum Opinion and Order*, FCC 13M-16 at 9 n.66. Presumably, when Mr. Havens refers to the “wrongdoing issue,” he refers to the issues in this proceeding related to Maritime’s qualifications to hold licenses.

²¹ *Id.* at 3.

²² *Id.*, Appendix A.

²³ *Memorandum Opinion and Order*, FCC 13M-10 at 2 ¶ 1.

The Mystery Boxes

10. Of the many specified and unspecified “wrongdoings” Mr. Havens catalogues, his belief that Maritime previously concealed 101 boxes of relevant documents in 2011 and 2012 appears to be the most recent.²⁴ These boxes have already been extensively discussed at a conference held more than a year ago on November 20, 2012.²⁵ Based on those discussions, there is no reason to believe that Maritime improperly concealed the existence of the boxes. Nor is there any reason to believe that Maritime otherwise improperly withheld documents requested in discovery. Maritime has asserted that it never possessed or controlled those boxes.²⁶ It believed that those boxes were destroyed when storage facility fees were not paid after Mobex Communications Inc., the parent company to Maritime’s predecessor and owner and custodian of the documents, went out of business.²⁷ Apparently, eight boxes were removed from the storage facility on various dates. But Maritime, continuously contended that it never had custody of those documents, asserts that it lacks any knowledge as to who may have removed those boxes, or knowledge of why those boxes were removed.²⁸

11. The Presiding Judge finds that these representations are credible. For his part, Mr. Havens has not presented any facts demonstrating that Maritime knew that the boxes still existed, or that Maritime hid that knowledge from the Presiding Judge or the other parties. Mr. Havens has not shown any facts that even suggest that the documents contained within those boxes were improperly withheld from discovery requests. Furthermore, the November 20, 2012, conference ended with the Presiding Judge indicating from the bench that Mr. Havens had ample opportunity to acquire and examine the contents of those boxes.²⁹ In the months that followed the conference and prior to the closing of discovery, opportunity was available for Mr. Havens to request by adequate showing his need for further discovery relating to the boxes. As the Presiding Judge finds that Maritime did not conceal the existence of the boxes from Mr. Havens or their contents from any other party to this proceeding,³⁰ and since appropriate and timely discovery efforts were never precluded, it would not be productive to reopen discovery of the boxes.

12. It may be that the information that “arose recently” to which Mr. Havens refers is contained in the deposition of David Predmore with regard to the location of additional boxes of documents.³¹ That deposition was taken April 4, 2013, and its contents were known to Havens by May 23, 2013, if not earlier.³² If Mr. Havens believes that unidentified and unspecified

²⁴ Mr. Havens’ First Motion, Appendix A at 3-4.

²⁵ Tr. 949-81.

²⁶ Tr. 951-52.

²⁷ *Id.*

²⁸ Tr. 954.

²⁹ Tr. 980.

³⁰ This determination has no relevance to the use of these “boxes of documents” in the antitrust action in U.S. District Court involving Maritime and Mr. Havens. *See Warren Havens, et al. v. Mobex Network Services, LLC, et al.*, Civ. Action No.11-993 (KSH) (D.N.J., filed Feb. 7, 2011).

³¹ Mr. Havens’ First Motion, Appendix A at 3-4.

³² Mr. Havens’ Opposition to Motion for Summary Decision (Errata Copy) (filed May 23, 2013). It is likely that Mr. Havens knew of the boxes of documents in the storage facility even earlier than May 23, 2013, as he mentioned them in the November 20, 2012 conference. Tr. 950-51. If so, Mr. Havens should have made his discovery requests regarding the contents of these boxes prior to the close of the discovery period.

contents of these boxes are essential to the record, he should have requested in proper form the reopening of discovery six months ago.

13. Second, the Commission's Rules require that "[a]ll requests for subpoenas [sic] shall be supported by a showing of the general relevance and materiality of the evidence sought."³³ However, he does not indicate who or what he wishes to subpoena, and he does not explain how the information sought is relevant to issues in this proceeding. Rather, Mr. Havens brazenly states that the use of subpoenas "is appropriate" for reasons "further discussed below" in his pleading,³⁴ but no such discussion exists. On this basis as well, Mr. Havens' ethereal motion must be denied.

14. Third, the Presiding Judge has stayed the non-Issue G issues in this proceeding pending Commission action.³⁵ He has previously ruled that to proceed with discovery on issues outside of Issue G at this time would require the parties to expend significant resources that would be wasted should the Commission moot the non-Issue G issues.³⁶ As the issue of Maritime's qualifications to hold Commission licenses has no bearing on the resolution of Issue G,³⁷ Mr. Havens' motion is denied. As stated in a previous order, "[i]n the event that Commission action does not moot [the non-Issue G] issues in their entirety, this proceeding will continue with discovery that would be available to assist the litigation of those issues." That time, when it arrives, is the proper time for Mr. Havens' to request additional non-Issue G discovery.

Havens' Motion for Declaratory Ruling

15. Mr. Havens requests that the Presiding Judge issue

a declaration binding on Maritime that it cannot obtain any relief from any issue in the [Hearing Designation Order], including issue (g), outside of thus [sic] hearing under the [Hearing Designation Order] in docket 11-71, absent grant by the full Commission of any such relief.³⁸

Specifically, Mr. Havens asks the Presiding Judge to declare that any attempt to pursue relief via the *Second Thursday* doctrine, footnote 7 of the Hearing Designation Order,³⁹ or by other means is "ineffective and moot."⁴⁰ He argues that only the Presiding Judge may provide relief from the issues raised in the Hearing Designation Order. In support of his position, Mr. Havens cites

³³ 47 C.F.R. § 1.333(c).

³⁴ Mr. Havens' First Motion at 11.

³⁵ Order, FCC 13M-6.

³⁶ Memorandum Opinion and Order, FCC 13M-10 at 4-5 ¶ 8.

³⁷ Memorandum Opinion and Order, FCC 13M-16 at 9 n.66.

³⁸ Mr. Havens' Additional Motions at 2.

³⁹ Footnote 7 of the Hearing Designation Order provides that "upon an appropriate showing by the Parties, [EB will] consider whether, and if so, under what terms and conditions, the public interest would be served by allowing the Metrolink application to be removed from the ambit of [the] Hearing Designation Order." Hearing Designation Order at 4 n.7. "Metrolink has represented that it plans to use such assigned spectrum to comply with the Rail Safety Improvement Act of 2008." *Id.*

⁴⁰ Mr. Havens' Additional Motions at 2.

to Section 0.031 of the Commission's Rules,⁴¹ providing that a designated presiding judge shall act upon all motions, petitions, and other pleadings, with some exceptions, until an initial decision is issued or the record is certified to the Commission for decision.⁴² Additionally, he cites to Section 0.331(a)(1), which states that "[t]he Chief [of the] Wireless Telecommunications Bureau shall not have authority to act on any radio applications that are in hearing status."⁴³

16. It is given that a Presiding Judge must act upon all matters that have been designated for her or him to decide. However, that proposition is inapposite to Mr. Havens' intended targets, *i.e.* Maritime and Choctaw's pending assignment applications (Pending Applications). These Pending Applications invoke the *Second Thursday* doctrine and were not included in the Hearing Designation Order.⁴⁴ The Pending Applications are not a motion, petition, or other pleading on which Commission has designated the Presiding Judge to decide. It is axiomatic that the Pending Applications, which are distinct from the applications that are the subject of the Hearing Designation Order, are not in hearing status. It must be kept in mind that the Pending Applications do not permit the Wireless Telecommunications Bureau (Wireless Bureau) to decide any issue concerning whether Maritime is qualified to hold Commission licenses, or to decide any other issue that is raised in the Hearing Designation Order. For his part, the Presiding Judge lacks any power to act upon the Pending Applications. This means that even if the Presiding Judge issued a declaratory ruling under the authority Mr. Havens cites, stating that only he may (1) decide the issues raised in the Hearing Designation Order or (2) act on applications in hearing status, that ruling could not encompass the Pending Applications.⁴⁵

17. But, Mr. Havens is arguing for an even broader declaratory ruling—that Commission Bureau's and Offices cannot, even under delegated authority, take any action that would provide relief to a party participating in a hearing. Mr. Havens does not explain what he means by "relief" in this context, but it seemingly includes any action by a Bureau or Office that allows a defendant to avoid any negative outcome that may potentially result from a hearing. Mr. Havens provides no authority that supports the issuing of such a far-reaching ruling. In fact, his request is directly contradicted by the Commission's *Second Thursday* doctrine,⁴⁶ which allows licensees in bankruptcy to assign their licenses under certain conditions, even if "issues concerning the licensee's character qualifications remain unresolved or have been resolved adversely to the licensee" in a revocation proceeding.⁴⁷ The Presiding Judge will not contravene

⁴¹ Mr. Havens incorrectly cites the rule in question. The correct citation is 47 C.F.R. § 0.341(a).

⁴² 47 C.F.R. § 0.341(a). Mr. Havens also cites Section 0.131(a), which establishes that the Wireless Bureau acts for the Commission under delegated authority in adjudicatory proceedings, compliance activities, and enforcement activities not within the responsibility of the Enforcement Bureau. 47 C.F.R. § 0.131(a).

⁴³ 47 C.F.R. § 0.331(a)(1).

⁴⁴ See Public Notice, Comment Sought on Application to Assign Licenses under Second Thursday Doctrine, Request for Waiver, and Extension of Construction Deadlines, and Request to Terminate Hearing, DA 13-569, WT Docket No. 13-85 (March 28, 2013).

⁴⁵ Additionally, the cited rules do not render footnote 7 of the Hearing Designation Order invalid. Rather, the footnote establishes a process by which an application can be *removed* from hearing status and decided upon by the Commission under a policy promoting rail safety. Hearing Designation Order at 4 n.7. To the best of the Presiding Judge's understanding, those petitions raising footnote 7 are currently before the Commission for resolution.

⁴⁶ *Second Tuesday Corp.*, Memorandum Opinion and Order, FCC 70-330, Docket Nos. 17914 and 18175, 22 FCC.2d 515 (1970).

⁴⁷ *Family Broadcasting, Inc.*, Memorandum Opinion and Order, FCC 10-102, EB Docket No. 01-39, 25 FCC Rcd. 7591, 7595-96 ¶ 17 (2010).

Commission policy by issuing a declaratory ruling derived from Mr. Havens' concerns about a *Second Thursday* argument not yet decided upon by the Wireless Bureau. If Mr. Havens wishes to present arguments regarding the soundness of the *Second Thursday* doctrine, or the wisdom of its application, he should raise those concerns with the Wireless Bureau, the Commission, or the Courts but only at the appropriate time. His motion for a declaratory ruling must be denied.

Ruling on Glossary Submissions

18. Mr. Havens requests that the Presiding Judge rule on proposed glossary definitions submitted by the parties so that the "parties can proceed more efficiently in this hearing to its conclusion."⁴⁸ Alternatively, he requests permission to supplement his submissions to the glossary.⁴⁹ The purpose of asking the parties to agree on a glossary of terms was to establish a common lexicon that the parties could use in seeking discovery and in presenting their respective proposed findings and conclusions. It certainly would facilitate the Presiding Judge's rulings on discovery, deposition questioning, and fact finding.⁵⁰ It developed that significant disagreement exists between parties as to the meaning of key terms (*e.g.* construction). So the project was temporarily shelved by the Presiding Judge. Now, there remains no useful purpose for any party to spend more time on the glossary. Hereafter, disputes regarding the meaning of certain material terms from the glossary will be resolved, as necessary, when raised by the parties in their motion practice or proposed findings, or in the Presiding Judge's Summary or Initial Decision.

Ordering Clauses

19. Accordingly, **IT IS ORDERED** that the pre-hearing calendar set in *Order*, FCC 13M-19, **IS SUSPENDED** *sine die*.

20. **IT IS FURTHER ORDERED** that Warren Havens' assisting counsel **SHALL FILE** a Notice of Appearance that includes the above-requested information⁵¹ **on or before January 6, 2013**.

21. **IT IS FURTHER ORDERED** that Warren Havens' Havens-SkyTel First Motion Under Order 13M-19 To Reject Settlement, Proceed with the Hearing. [sic] and Provide Additional Relevant Discovery **IS STRUCK** as untimely.

22. **IT IS FURTHER ORDERED** that Warren Havens' Havens-SkyTel Additional Motions Under Order 13M-19 **IS STRUCK** as untimely.

⁴⁸ Havens' Additional Motions at 5.

⁴⁹ *Id.*

⁵⁰ For example, on November 28, 2012, Maritime and the Enforcement Bureau filed Limited Stipulations that included a mutual definition of "AMTS (Automated Maritime Telecommunications System) service," as "service provided to end user subscribers (whether maritime or land mobile) and/or the leasing of spectrum and the protection of spectrum lessees' operations." Limited Joint Stipulations Between Enforcement Bureau and Maritime and Proposed Discovery Schedule at 2 ¶ 4 (filed Nov 28, 2012).

⁵¹ See *supra* ¶ 6.

23. **IT IS FURTHER ORDERED** that Warren Havens' request for an extension of time to the December 16, 2013, response deadline **IS DENIED** on its merits.

24. **IT IS FURTHER ORDERED** that Warren Havens' Motion for Further Discovery **IS DENIED** on its merits.

25. **IT IS FURTHER ORDERED** that Warren Havens' Request for a Declaration that Any Relief From a Full Hearing on Any HDO Issue, Including Issue (g), Must be in this Hearing **IS DENIED** on its merits.

26. **IT IS FURTHER ORDERED** that Warren Havens' Motion to Rule on the Glossary Submissions and Related Construction-Authorities Memo from attorney Jim Chen for Havens **IS DENIED**, but the subject may be revisited at a later time depending upon the status of this proceeding.

FEDERAL COMMUNICATIONS COMMISSION⁵²



Richard L. Sippel
Chief Administrative Law Judge

⁵² Courtesy copies of this *Order* are e-mailed on issuance to each counsel and Mr. Havens.